

**Town of Shrewsbury - Board of Selectmen
Richard D. Carney Municipal Office Building-Selectmen's Meeting Room
100 Maple Avenue
Monday, November 20, 2006 at 7:00 PM**

Minutes

Present:

Bruce Card, Maurice DePalo, Thomas Fiore, John Lebeaux, James McCaffrey, and Daniel Morgado, Town Manager. Mr. Lebeaux called the meeting to order at 7:03pm.

Preliminaries:

1. Approve bills, payrolls and warrants, #0739 in the amount of \$324,678.50, and #0742 in the amount of \$2,020,248.56. Motion made, seconded and unanimously approved.
2. Approve minutes of November 6, 2006 and November 8, 2006. Motion made, seconded and unanimously approved.
3. Announcements – Mr. Fiore announced that the Fiscal Study Committee will be holding a public hearing on November 30th in the Selectmen's Meeting Room at 7:00pm to discuss their report. Residents are invited to attend and offer input. The final report will be ready sometime in February. Mr. Fiore congratulated the Pop Warner football teams on their successful season. He thanked all the volunteers that worked to make the triumphant season possible. Mr. Lebeaux advised that the Board of Health is holding its annual Influenza and Pneumonia Immunization Clinic on Tuesday, November 21st from 9:00am to noon in the Senior Center. Shrewsbury residents 60 years and older and over 18 years of age with a chronic illness and a doctor's note are eligible for a flu shot. Those over 65 who have never had a pneumonia shot should have one or if their last shot was more than five years ago they should be revaccinated.
4. Town Manager's Report – Nothing other than what is on the Agenda.

Meetings:

5. 7:00pm – School Committee Vacancy Selection. School Committee members Mark Murray, Chairman, Deborah Peeples, Virginia Winship, and Marian Smith were present. Mr. Murray called the School Committee meeting to order. Mr. Lebeaux advised that the Board and the School Committee were meeting in joint session in order to select someone to fill the unexpired term of Alden Harris, III who recently resigned. He reviewed the procedure for filling the vacancy, whoever received the majority of votes (five) would be the new member of the Committee. Mr. Lebeaux suggested that members of both Boards go around the table and put forth the name of the person they felt would be the best candidate. Mr. Lebeaux favored James Kane, Mr. Murray put forth the name of John Samia, Ms. Peeples offered Erin Canzano as a candidate, Ms. Smith concurred with Ms. Peeples selection, as did Ms. Winship. Mr. McCaffrey supported John Martin, both Mr. Card and Mr. DePalo favored Mr. Samia and Mr. Fiore supported George Smith. Mr. Lebeaux said in light of the nominations he would shift his support to Mr. Samia giving him the required five recommendations. Motion was made, seconded and unanimously voted to appoint John Samia to the School Committee to fill the unexpired term of Alden Harris, III, expiring in May 2007. On a roll call vote: Mr. Cad, yes, Mr. McCaffrey, yes, Ms. Smith, yes, Ms. Peeples yes, Mr. Murray, yes, Mr. DePalo, yes, Mr. Fiore, yes, and Mr. Lebeaux, yes. Mr. Lebeaux congratulated Mr. Samia on his appointment and advised him that he must be sworn in by the Town Clerk. Mr. Murray adjourned the School Committee meeting at 7:33pm.

Public Hearings:

6. 7:15pm – Tax Classification Assessor Robert Ellia and members of the Board of Assessors members James Kane and Christopher Reidy were present. Mr. Ellia advised that in the past Shrewsbury has always adopted the single tax rate. He reviewed the four classes of property of which the tax burden may be equally divided. After several questions from the Board Mr. Ellia recommended that the Town adopt a single tax rate of \$8.66 per \$1,000 valuation of all properties in all classes. Mr. Lebeaux opened the hearing for public comment. After a question by Paul Tivnan, motion was made, seconded and unanimously voted to close the hearing.

Motion was made to adopt a single tax rate of \$8.66 per \$1,000 valuation. Motion was seconded and unanimously voted.

7. 7:30pm – KBB Enterprises, LLC d/b/a Imperial Buffet, 380 Maple Avenue, Brain K. Cheng, Manager, All Alcoholic Beverages Pouring License and Common Victualler's License. Hours of Operation: Sunday-Saturday 11:00am to 11:00pm. Atty. Richard Ricker and Brian Cheng were present. Mr. Ricker advised the Board that Mr. Cheng would like to open a buffet type restaurant in the old CVS location Fairlawn Plaza. He is in the process of doing extensive renovations to the facility. Mr. Cheng currently operates a similar restaurant on Milford and has been involved in the business for many years. In response to questions from Board members, Mr. Cheng advised that he hoped to open for business in two to three weeks, he would employ approximately twenty people and have a seating capacity of 225. Mr. Lebeaux advised that all reports from department heads were favorable and opened the hearing to the public. As there was no public comment, motion was made, seconded and unanimously voted to close the hearing. Motion was made to approve the application of KBB Enterprises, LLC d/b/a Imperial Buffet, 380 Maple Avenue, Brian Cheng, Manager, for an All Alcoholic Beverages Pouring License and Common Victualler's License for the days and hours as stated in the application. Motion was seconded and unanimously approved.
8. 7:45pm – Top Cat Rentals, LLC, 537 Hartford Turnpike, Christopher Muello, Manager, Class II License for sales of over the road equipment. Hours of Operation: Monday-Saturday 7:00am to 7:00pm. Mr. Lebeaux advised that there were two separate applications, Top Cat Rentals, LLC and C-J Trucking, for the same applicant and suggested that the Board hear both together. Mr. Fiore advised that he is a holder of a Class II and Commercial Garage License but that his business differs greatly from those before the Board this evening, therefore, he saw no conflict of interest. Mr. Muello and his attorney, Richard Ricker, were present. Mr. Ricker advised that Mr. Muello has been operating this business for approximately ten years and had recently decided to relocate to Shrewsbury. He would like to put a Caterpillar sales and service franchise at this location and has received ZBA approval. Mr. Ricker advised the Board that his client has also done tremendous renovations to this location. Normal business hour would be from 7:00am to 7:00pm but they would need 24 hour emergency service ability. Mr. Lebeaux reported that the Building Inspector advised that a special permit was granted on October 25th and the fire Chief informs the Board that there will be no collection of junk vehicles. There are no problems with the Treasurer but that Police Chief had advised the Board of some issues. Mr. Lebeaux continued that as this information is of a sensitive nature Mr. Muello had the right to ask for an executive session in order to explain to the Board. Mr. Ricker advised the Board that his client would like to exercise his right to request an executive session. Motion was made at 8:50pm, seconded and unanimously voted to convene into executive session for the purpose of discussing the reputation, character, physical condition or mental health rather than the professional competence of an individual and to reconvene into open session. The Board was polled, Mr. Fiore, yes, Mr. DePalo, yes, Mr. Card, yes, Mr. McCaffrey yes, and Mr. Lebeaux, yes.

Motion was made, seconded, and unanimously voted to adjourn executive session and to reconvene into open session at 8:58 pm. On a roll call vote, Mr. Card, yes, Mr. McCaffrey, yes, Mr. Fiore, yes, Mr. DePalo, yes, and Mr. Lebeaux, yes. Mr. Lebeaux opened the hearing to the public. Seeing no comment, motion was made, seconded and unanimously voted to close the hearing. Motion was made to approve the application of Top Cat Rentals, LLC, 537 Hartford Turnpike, Christopher Muello, Manager, for the purpose and hours as stated in the application. Motion was seconded and unanimously voted.

9. 8:00pm – C-J Trucking, 537 Hartford Turnpike, Christopher Muello, Manager, Commercial Garage License for repair of rental and trucking equipment. Hours of Operation: Sunday- Saturday 24 hour service. (See Top Cat Rentals) Motion was made to approve the application of C-J Trucking, 537 Hartford Turnpike, Christopher Muello, manager for the purpose as stated. Hours of operation: Monday-Saturday 7:00am to 7:00pm with 24 hour emergency repair service available. Motion was seconded and unanimously approved.
10. 8:15pm – John T. Westermarck Garage, 537 Hartford Turnpike, John T. Westermarck, Manager, Commercial Garage License for general truck repair. Hours of Operation: Monday-Saturday 7:00am to 7:00pm. Atty. Richard Ricker and Mr. Westermarck were present. Mr. Fiore advised that he holds a Commercial Garage License but his business is differs greatly from that of Mr. Westermarck's therefore he saw no conflict of interest. Mr. Ricker told the Board that Mr. Westermarck currently operates a garage in Shrewsbury at 864A

Hartford Turnpike and would like to move his business to the 537 Hartford Turnpike location. Mr. Ricker further advised that Mr. Westermarck's business is one of three to be located at 537 Hartford Turnpike. Mr. Lebeaux advised that all department head reports were favorable. Mr. Ricker asked to amend the hours of operation stated on the application to 24 hour emergency service. After a discussion, the Board agreed to amend the hours to regular operation from 7:00am to 7:00pm with 24 hour emergency repair services. Mr. Lebeaux opened the hearing to the public and seeing none motion was made, seconded and unanimously voted to close the hearing. Motion was made to approve the application of John Westermarck for a Commercial Garage License at 537 Hartford Turnpike, hours of operation 7:00am to 7:00pm with 24 hour emergency repair service available. Motion was seconded and unanimously approved.

Old Business:

11. Edgemere Diner. Mr. Lebeaux reviewed the lengthy discussion that took place at the November 6th meeting regarding the Edgemere Diner. He advised that Mr. Morgado had submitted a second draft of an RFP for the Board's review. The Board reviewed the RFP and discussed other options available. After a discussion, motion was made to establish a minimum bid of \$1 to purchase the diner and \$2,000 per month fee to lease the property. Motion was seconded and unanimously approved.

New Business:

12. Town Manger Evaluation. Mr. Lebeaux distributed the evaluation sheets and asked Board members to complete them and return to the office by December 11th with a report made at the December 18th meeting.
13. Shrewsbury Electric Light Department recommends one (1) 70-watt high pressure sodium light fixture to be installed at 88 Old Faith Road. Annual cost to the Town would be \$31.61. Motion was made, seconded and unanimously voted to approve.
14. 2007 License Renewals – Class 1, 2, 3, Common Victualler's, Alcoholic Beverages, Misc. Renewals such as Lord's Day, Livery, Bowling Alley, Billiards, Weekly/Sunday Entertainment, Antique Dealers, Auctioneers, Automatic Amusements. New licenses will not be issued unless paid in full with the renewal application back by 12/31/06. Motion was made to approve the 2007 renewals of the Class 1, 2, 3 Licenses pending payment and return of application by 12/31/06. Motion was seconded and voted four in favor with Mr. Fiore abstaining. Motion was made to approve the 2007 renewals for Common Victualler's, Alcoholic Beverages, Misc. Renewals such as Lord's Day, Livery, Bowling Alley, Billiards, Weekly/Sunday Entertainment, Antique Dealer, Auctioneer, and Automatic Amusement Licenses pending payment and return of application by 12/31/06. Motion was seconded and unanimously approved.

Executive Session:

15. Collective bargaining, pending litigation and value of real property. Motion was made, seconded, and unanimously voted to adjourn into executive session at 9:56pm and not to reconvene for the purpose of discussion of value of real property. The Board was polled, Mr. McCaffrey, yes, Mr. Card, yes, Mr. Fiore, yes, Mr. DePalo, yes, and Mr. Lebeaux, yes.

Communications:

16. Noted copy mailed: November Grant Update from Office of Senator John Kerry.
17. Noted copy mailed: E-mail from Tara Alano, 49 Gold Street, re Speed Limit on Gold Street. Forward to Police Department.
18. Noted copy mailed: Letter from Boston City Councilor John M. Tobin, Jr. re state meal tax.
19. Noted copy mailed: Letter from Alliance Defense Fund Chief Counsel Benjamin Bull re Memo – Legal Rights & Responsibilities Concerning Municipal Holiday Displays. Copies to Mr. DePalo and Mr. Fiore.
20. Noted copy mailed: CMMPO Meeting Notice and tentative agenda.
21. Noted copy mailed: ZBA Hearing Minutes 10/24/06, James & Clara Rouse, 5 Hickory Drive.
22. Noted copy mailed: ZBA Hearing Minutes, 10/24/06, J. Thomas & Donna Grisso, 4 Candlewood Way.
23. Noted copy mailed: ZBA Hearing Minutes, 10/24/06, Heritage Home Carpentry, 30 Grafton Street.
24. Noted copy mailed: ZBA Hearing Minutes, 10/24/06, Meredith Kern & Chris Williams, 284 Prospect Street.

25. Noted copy mailed: ZBA Hearing Minutes, 10/24/06, Tin Y. Chan & Kimberly Huban d/b/a Pump It Up of Shrewsbury, 810 Boston Turnpike.
26. Noted copy mailed: ZBA Hearing Minutes, 10/24/06, Shrewsbury Lumber, LLC, 731 Hartford Turnpike.
27. Noted copy mailed: Letter from Andrew Blake, 89 Oak Street, expressing interest in Shrewsbury Development Corporation. Hold for December 4th meeting.
28. Noted copy mailed: Letter from Leonard Doerfler, 26 Pinedale Road, re parking on Pinedale Road. Mr. Morgado will check.
29. Noted copy mailed: E-mail from Johanna Musselman, 39 Stonybrook Lane, re Candidates for School Committee vacancy.
30. Noted copy mailed; E-mail from Bob Cossman, 53 Arrowwood Drive, re Aggregate Noise Complaints. The Town is working on resolving this dispute. Mr. Morgado has received a report from the Building Inspector and will respond with copies to Board.
31. Noted copy mailed: School Committee Meeting Agenda, 11/15/06.
32. Noted copy mailed: Thank you letter from Deborah Hemdal, 56 Stoney Hill Road.
33. Noted copy mailed: Letter from David Donahue, 20 Stone Meadow Farm Drive, expressing interest in Shrewsbury Development Council. Hold for December 4th meeting.
34. Noted copy mailed: E-mail from Chris Juetten, 41 Stonybrook Lane, re School Committee candidate.
35. Noted copy mailed: E-mail from Erin Canzano, 6 Holman Heights Circle, re School Committee.
36. Noted copy mailed: E-mail from Bretta Karp, 2 Medieval Road, re School Committee Position Thank You.
37. Noted copy mailed: Letter from DEP advising the Town of Shrewsbury that it has been awarded a Municipal Waste Reduction Grant. Mr. Morgado advised that the Town will draw on the grant as deemed necessary.
38. Noted copy mailed: Memo from Dept. of Housing & Community Development re Technical Assistance & Guidance MGL Chapter 79A Relocation Assistance.
39. Noted copy mailed: Veolia Monthly Compliance Report, October 2006.
40. Noted copy mailed: Shrewsbury Development Corporation Report.
41. Noted copy mailed: School Committee Meeting Minutes, 10/25/06 & 11/1/06.
42. Noted copy mailed: E-mail from Laura Joslyn, 30 Old Brook Road, re Follow up to November 8th meeting.
43. Noted copy mailed: E-mail from William Dunn, 45 Washington St., re Rubbish service going to pay-as-basis. Mr. Lebeaux will respond.

Motion was made, seconded, and unanimously voted to adjourn into executive session at 9:56pm not to reconvene for the purpose of discussing value of real property. On a roll call vote Mr. Fiore, yes, Mr. McCaffrey, yes, Mr. Card, yes, Mr. DePalo, yes, and Mr. Lebeaux, yes.

Respectfully submitted,

Janice C. McCoy
Secretary